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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,678	02/18/2004	Shigeki Kato	118665	8558
25944	7590	04/14/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER MAHONEY, CHRISTOPHER E	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,678

Applicant(s)

KATO ET AL.

Examiner

Christopher E. Mahoney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (U.S. Patent No. 5,548,350). Yamada teaches a rear projector comprising a housing that has a front side thereof defined by an opening edge portion (defined by 2 for example), a screen panel 1 that is slightly larger than the opening of the housing and attached to the front side of the housing such that the opening edge portion of the opening and a periphery of the screen are opposed to each other (figures 4b, 4c) the screen panel receiving projection light from a rear side (col. 1, lines 9-10) by a video projector within the housing (col. 2, lines 4-7). A dust proofing elastic member 5 is disposed between the periphery of the screen panel and the opening edge portion. The screen panel is attached to the housing. The dust proofing elastic member is formed of a closed cell expanded resin (col. 6, lines 48-62). The applicant is directed to review figures 4b-4c, col. 5, lines 50-51, 64-67, as well as col. 6, lines 1-12, 21-29, 34-36, and 48-67.

Response to Arguments

Applicant's arguments filed February 24, 2005 have been fully considered but they are not persuasive. The applicant argues that Yamada does not teach the claimed invention because the screen is not directly attached to the housing. First the examiner would like to point out that the claim language does not recite that the screen is directly attached to the housing. The second part of the applicant's argument is that the screen of Yamada is mounted in framework (and not housing) which is then connected to the housing. The housing of Yamada is comprised of framework 2 and cabinet 3. The applicant's claims do not require a one piece housing.

Should the applicant choose to amend the claims to recite a one piece housing, the applicant should keep in mind that it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

The applicant discusses the connection between framework 2 and cabinet 3 and states that Yamada does not teach a dust proof member and that dust *may* get in between 2 and 3. First, the dust proof member claimed by the applicant is designed to prevent dust from getting into the apparatus through the defined opening, not from the side. Second the applicant is not claiming or disclosed that the entire housing is airtight. The examiner is unclear and therefore *requesting information*. Is the applicant's invention supposed to be completely air tight (i.e. without vent holes anywhere)? If this is a requirement for the invention, the applicant is respectfully requested to indicate where this is taught in the specification so that the public may be given both notice and the benefit of that knowledge. Third, the applicant has not provided a statement and

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supporting evidence that dust will definitively get in the interlock between framework 2 and cabinet 3. Alleging a possibility is purely speculative.

The applicant further argues that Yamada does not teach a closed cell expanded resin. While Yamada does not explicitly recite the term closed cell expanded resin, it is the examiner's position that a closed cell expanded resin is an elastic plastic foam (as disclosed in col. 6, lines 56-59) which can be made from an assortment of materials including the materials discussed in col. 6. If the applicant persists in the position that Yamada does not teach a closed cell expanded resin, the applicant is requested to point out in the application specification the definition/explanation of a closed cell expanded resin (sponge) and distinguish that definition/explanation from what is disclosed in the Yamada reference.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

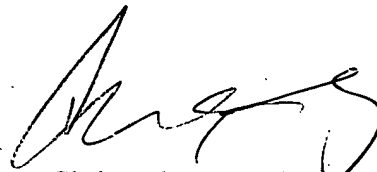
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Chris Mahoney', is positioned above the printed name and title.

Christopher E Mahoney
Primary Examiner
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